IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2141 OF 2005

IN

SUIT NO.1775 OF 2005

John Milton ...Plaintiff

vs.

1. Neelam Jhamb & another. ...Defendants.

Mr.R.M.Pandey i/b. R.M.Pandey & Co. for Plaintiff.
None for Defendants.

CORAM: D.K.DESHMUKH, J.

DATED: 19th December,2006..

P.C.:-

1. This is a notice of motion taken out by the plaintiff. The plaintiff Landlord has filed this suit for recovery of arrears of electricity charges alleged to have been consumed by the licensee-defendant no.1 and also the arrears of licence fees. By this notice of motion, the plaintiff seeks interim order directing the defendant no.1-licensee to deposit the arrears of licence fees. The plaintiff also claims direction

to defendant no.2 -The Brihan Mumbai Electric Supply & Transport Undertaking not to disconnect the electricity for non payment of electricity bill. Because it is a suit between licensee and licensor for recovery of arrears of licence fees, prima facie it appears that this Court does not have jurisdiction to entertain the suit in view of the provisions of Section 33 of the Maharashtra Rent Control Act. Even assuming that this Court has jurisdiction then also the plaintiff is claiming decree against the defendant no.1 for arrears of electricity charges and the same order is sought as interim order. The settled law is that Court does not grant final relief by interim order unless there are compelling circumstances for the Court to do so.

2. So far as the relief claimed against defendant no.2 is concerned, there is no question of any Court granting that relief against defendant no.2. The notice of motion is totally misconceived and frivolous. Hence, it is rejected.